



DEPARTMENT OF THE NAVY  
COMMANDER  
NAVY REGION HAWAII  
850 TICONDEROGA ST STE 110  
JBPHH HI 96860-5101

1730  
Ser N00/034  
17 Sep 21

FIRST ENDORSEMENT on CDR Christopher P. Kimball, JAGC, USN ltr of 7 Sep 21

From: Commander, Navy Region Hawaii  
To: Chief of Naval Personnel

Subj: REQUEST FOR WAIVER OF POLICY IN SUPPORT OF RELIGIOUS PRACTICE

Ref: (g) NAVADMIN 190/21

Encl: (3) Chaplain Memo dtd 8 Sep 21

1. Per references (a) through (g), I am forwarding this request recommending approval in full.
2. The following information is provided for consideration as applicable:

a. Commander Kimball requests exemption from mandatory vaccination against Corona Virus Disease 2019 (COVID-19) based on his religious beliefs regarding aborted fetal cells. I recommend approval of his request while he is assigned as Staff Judge Advocate at Commander, Navy Region Hawaii due to the less restrictive means available for protecting the Force and ensuring readiness, as detailed in Commander Kimball's request. This recommendation is limited to his current assignment. Other assignments and Food and Drug Administration approval of other vaccines may warrant a different analysis.

b. I have carefully considered factors such as military readiness, unit cohesion, good order and discipline, health and safety, as well as the religious importance of the practice to the requestor, the cumulative impact of repeated accommodations of religious practices of a similar nature, and alternate means available to accommodate the practice in whole or in part. On balance, I have determined there are less restrictive means available to achieve the command's interests.

c. At this time, no other individual in this command has requested or been granted a similar exemption and there is no alternative vaccine available to accommodate the mandatory vaccination requirement.

3. My point of contact for this matter is CAPT Darren B. Guenther, USN who can be reached at (808) 473-2200 and [darren.b.guenther@navy.mil](mailto:darren.b.guenther@navy.mil).



T. J. KOTT

Copy to:  
CDR Kimball

7 Sep 21

MEMORANDUM

From: CDR Christopher P. Kimball, JAGC, USN  
To: Chief of Naval Personnel  
Via: Commander, Navy Region Hawaii

Subj: REQUEST FOR WAIVER OF POLICY IN SUPPORT OF RELIGIOUS PRACTICE

Ref: (a) 42 U.S.C. §2000bb-1 (Religious Freedom Restoration Act)  
(b) DoD Instruction 1300.17 of 1 Sep 2020 (Religious Liberty in the Military Services)  
(c) SECNAVINST 1730.8B CH-1 (Accommodation of Religious Practices)  
(d) BUMEDINST 6230.15B (Immunizations and Chemoprophylaxis for the Prevention of Infectious Diseases)  
(e) BUPERSINST 1730.11A (Standards and Procedures Governing the Accommodation of Religious Practices)  
(f) MILPERSMAN 1730-020 (Immunization Exemptions for Religious Beliefs)

Encl: (1) T. Y. Morikawa letter of 23 Aug 21  
(2) NAVPERS 1070/613

1. Pursuant to references (a) through (f), I hereby request a religious accommodation from any Navy regulation, policy, or duty that require(s) me to obtain any immunization or vaccination developed or tested with aborted fetal cell lines, including but not limited to vaccination with SARS-CoV-2 (Covid-19) vaccines. I request that a religious accommodation be granted for the remainder of my current tour. I have requested retirement to take effect on my projected rotation date and anticipate commencing terminal leave in late March 2022.<sup>1</sup>

2. My request is based on my sincerely held religious beliefs. Enclosure (1) is a letter from my pastor attesting to the religious nature and sincerity of my beliefs.

3. As noted in Section 1.2.e of reference (b), "DoD Components will normally accommodate practices of a Service member based on sincerely held religious belief. Accommodation includes excusing a Service member from an otherwise applicable military policy, practice, or duty. In accordance with RFRA, if such a military policy, practice or duty substantially burdens a Service member's exercise of religion, accommodation can only be denied if:

- (1) The military policy, practice, or duty is in furtherance of a compelling governmental interest.
- (2) *It is the least restrictive means* of furthering that compelling governmental interest.

In applying [this] standard, the burden of proof is placed upon the DoD Component, not the individual requesting the exemption." (emphasis added)

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<sup>1</sup> Contemporaneous with this request for religious accommodation, I have requested that military medical providers determine whether a medical exemption is appropriate for me.

Subj: REQUEST FOR WAIVER OF POLICY IN SUPPORT OF RELIGIOUS PRACTICE

4. The U.S. Supreme Court recently addressed a case in which the government refused to grant a religious accommodation request. In *Fulton v. City of Philadelphia*, the court struck down the government's refusal to grant a religious accommodation request, stating "where [...] a system of individual exemptions exists, the government may not refuse to extend that system to cases of religious hardship without a compelling reason." *Fulton v. City of Philadelphia*, No. 19-123, slip op. at 2 (Jun. 17, 2021). In order to satisfy the requirements set forth in references (a) and (b) and *Fulton*, the government must demonstrate why it is unable to grant my religious accommodation request despite the fact that it has a system of granting other exceptions to its vaccine requirements (i.e., medical and administrative exemptions discussed in reference (d)). The government must further demonstrate that there are no alternatives to mandatory vaccination that are less restrictive on my sincerely held religious beliefs.

a. Examples of less restrictive means include testing for Covid-19 antibodies that might be present from previous exposure or infection, allowing for remote or tele-working, or the use of masks.

b. I currently serve ashore and have been assigned an office with floor-to-ceiling walls, a door, and a window that allows for outside air exchange. The majority of my work day is spent working alone in that office. I have been issued an unclassified government laptop computer which may be used outside federal office spaces. Each of the meetings I participate in includes remote participants who dial in from off-site locations. My immediate predecessor tele-worked extensively due to both local force health protection condition measures and medical convalescence. The facts above suggest the feasibility of alternatives to my mandatory vaccination that will further the Navy's compelling interests in mission accomplishment and a healthy workforce during my remaining months of service.

5. As stated in reference (b), it is DoD policy "that an expression of sincerely held (conscience, moral principles, or religious beliefs) may not, in so far as practicable, be used as the basis of any adverse personnel action, discrimination, or denial of promotion, schooling, training, or assignment."

6. I certify that I understand that any approved or partially approved waiver may not be appropriate for future duty to which I may be assigned, including operational, non-operational or training command(s), and may be suspended or withdrawn in accordance with reference (e). Enclosure (2) is provided as required in reference (f).

7. My dedication to service is unwavering. In making this request I do not discount my duties to the Navy, Region Hawaii, and my teammates. I firmly believe that I can productively stand the final months of my "watch" in the Navy at Navy Region Hawaii while simultaneously honoring my religious beliefs and my duties to the mission and my teammates.



C. P. KIMBALL



23 August 2021

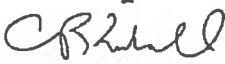

From: Todd Morikawa, Pastor of Kailua Baptist Church  
To: Chief of Naval Personnel  
Via: CDR Christopher Kimball

Subj: Request for Religious Accommodation for CDR Christopher P. Kimball, JAGC, USN

I am writing to let you know that Christopher Kimball has been a member of our church for about two years. He has been very open with me about his beliefs concerning vaccinations, and though I do not agree with him on all levels, I know for a fact he is sincere in his convictions. At our church, we do believe the individual Christian's conscience is a key component to our practices, and for him to remain true to his faith, he must follow his conscience.



Todd Morikawa

<b>ADMINISTRATIVE REMARKS</b> <b>NAVPERS 1070/613 (REV. 08-2012) PREVIOUS EDITIONS ARE OBSOLETE</b>				<b>SUPPORTING DIRECTIVE MILPERSMAN 1070-320</b>	
SHIP OR STATION:					
Commander, Navy Region Hawaii					
SUBJECT:				<input type="checkbox"/> PERMANENT <input checked="" type="checkbox"/> TEMPORARY	
REQUEST FOR RELIGIOUS ACCOMMODATION				AUTHORITY (IF PERMANENT)	
<p>I request a waiver of immunization requirements. I hereby state that my request is based on religious objection to immunization. I acknowledge having received the following counseling:</p> <ol style="list-style-type: none"> <li>1. Failure to obtain immunization poses additional risk to my health upon exposure to disease.</li> <li>2. In the event of foreign travel, I may be detained during travel across foreign borders due to international health regulations.</li> <li>3. If granted, a waiver may be revoked by my commanding officer if I am at imminent risk of disease or due to international health regulations.</li> <li>4. If my job duties change, I may need to route a new request.</li> <li>5. If I am at a permanent change of station while my waiver is in effect, I may need to route a new request if my job duties change, my geographic region exposes me to the aforementioned disease, or other factors exist that could put me in imminent risk of disease.</li> </ol> <div style="text-align: center; margin-top: 20px;">         C. P. KIMBALL     </div> <div style="margin-top: 40px;">       Witnessed:         J. J. GALVEZ, JR. LCDR, USN     </div>					
ENTERED AND VERIFIED IN ELECTRONIC SERVICE RECORD:					
VERIFYING OFFICIAL RANK OR GRADE/TITLE			DATE	SIGNATURE OF VERIFYING OFFICIAL	
			20210821		
NAME (LAST, FIRST, MIDDLE):			SOCIAL SECURITY NUMBER:		BRANCH AND CLASS
KIMBALL, CHRISTOPHER P			1239671759		USN

FOR OFFICIAL USE ONLY  
PRIVACY SENSITIVE

ENCL (2)

BUPERINST 1730.11A  
08 SEP 2021

CHAPLAIN MEMORANDUM FOR THE RECORD

From: CAPT Steven D. Mills, CHC, USN  
To: Commander Navy Region Hawaii

Subj: REQUEST FOR A WAIVER OF POLICY TO ACCOMMODATE PRACTICE BASED  
ON RELIGIOUS BELIEF ICO CDR CHRISTOPHER KIMBALL

Ref: (a) SECNAVINST 1730.8  
(b) SECNAVINST 1730.9

1. CDR Christopher Kimball has submitted a request for the accommodation of a religious practice per reference (a). Per BUPERINST 1730.11A, I interviewed the requestor on 08 September 2021. I explained that this interview would not be confidential communication as defined by reference (b), and informed the requestor that a referral for confidential Chaplain-support was available if desired.
2. CDR Kimball is requesting that he be granted a waiver from the 09 August 2021 Secretary of Defense Memorandum, stating the intent to make the COVID 19 vaccination mandatory for all DoD employees, in keeping with his adherence to the principles and practices of his faith.
3. CDR Kimball is a devout, lifetime Christian, is active in regular worship at Kailua Baptist Church and appears to be well-versed in Scripture. He is firmly anti-abortion and is opposed to the use of Fetal Cell Line tissue in the research and development of the vaccine.
4. In speaking with CDR Kimball and in reviewing his beliefs with him, there does not appear to be any other accommodation regarding the vaccine.
5. After this interview, I am confident that CDR Kimball's beliefs are sincere and deeply held religious beliefs; and they come directly from his faith community, his understanding of the Bible, and his commitment to his faith and its practices. In keeping with this, CDR Kimball has expressly stated his preference to retire 01 July 2022 rather than take the COVID 19 vaccination.
6. My contact information is [steven.d.mills2@navy.mil](mailto:steven.d.mills2@navy.mil), and my phone number is 808-473-5755. Please contact me if you have any questions.

  
S.D. Mills

Copy to:  
CDR Christopher Kimball, JAGC, USN

Encl (3)

**WARNING ADVISEMENT ABOUT STATEMENTS MADE  
DURING A RELIGIOUS ACCOMODATION INTERVIEW**

I, CHRISTOPHER P. KIMBALL, have been advised that statements that are made during the course of my religious accommodation interview are not confidential and may be disclosed by Chaplain STEVE MILLS to further my religious accommodation request.

8 SEP 2021  
Date

Chris Kimball  
Counselor

8 Sep 2021  
Date

Steve Mills  
Chaplain

### CHAPLAIN INTERVIEW CHECKLIST TEMPLATE

Requestor:			Interview Date: 08 Sep 21
Name: CDR Christopher Kimball			Chaplain Interviewer: CAPT Steven D. Mills
Phone: 808-473-1793			Phone: 808-722-5755
Email: christopher.kimball@navy.mil			E-mail: steven.d.mills2@navy.mil
Command: Commander Navy Region Hawaii			Chaplain's Command: Commander Navy Region Hawaii
<b>Interview Preliminaries</b>			
Yes	No	N/A	
x			Chaplain reviewed policy and doctrine on religious accommodation and the policy for which the requestor is seeking accommodation.
x			Applicant was notified that the interview is not confidential and will be used to advise the command.
x			Chaplain explained to the applicant that confidential support can be received from another chaplain.
	x		Applicant has been granted a religious accommodation for this practice previously.
x			Applicant's Page 2 (NAVPERS 1070/602) reflects the belief cited in the application.
<b>Type of Waiver Requested</b>			
Yes	No	N/A	
			Uniform standards
			Grooming standards
			Immunization requirements
			DNA sampling
			Other (Please describe):
<b>Interview</b>			
Yes	No	N/A	
			Requestor's religious beliefs seemed honestly and sincerely held using one or more of the following factors:
x			1. Requestor was credible (consistently keeps tenets, practices, etc.).
x			2. Requestor's demeanor and pattern of conduct are consistent with the request.
x			3. Requestor participates in activities associated with the belief(s).
x			4. Other persons supporting the claim are credible.
X			5. Request is supported by letter(s) of verification or endorsement from an organization espousing the beliefs which are the basis for the claim.
x			Alternate means of accommodating the practice were explored in the interview.
<b>Process Checklist</b>			
Yes	No	N/A	
x			Chaplain has prepared a memorandum documenting the interview.
x			Chaplain reviewed memorandum with applicant and provided a copy.
X			Chaplain submitted the memorandum and this document to the commanding officer via chain of command.
x			Chaplain referred applicant to command to process request.